

ORDINANCE NO. R- 2015-5 TAX CODE(S) 82-06-28-011-079.(001 to 004)-027 , 82-06-28-013-029.(009 to 016)-027 , 82-06-28-017-069.(001 to 003)-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS (1500-1514) and (1600-1614) John Street, Evansville, IN, 47714

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

This Ordinance is to rezone the below mentioned lots, on John street, from R-2 and R-4 to C-2.

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

HOGUE PL2 (L9 to L16) BL1; COLLEGE HTS. 2, 35 FT.L.1; COLLEGE HTS.2, PT L.1,PT.L.2; COLLEGE HTS.2, PT. L.2,PT.L.3; COLLEGE HTS 2 PT LOT 3; PT W1/2 E1/2 NW NE 28-6-10

by changing the zoning classification of the above-described real estate from R-2 and R-4 to C-2, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on 05/18/2015 at Instrument No.: 2015R00011161. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this 11th day of MAY, 2015.

ATTEST

City Clerk

President

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the 12th day of, MAY 2015

City Clerk DEPUTY

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this 13th day of May, 2015, at 8:00 o'clock AM.

Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY:

Vinod Penmetsha

FILED

FEB 09 2015

Anna Winkler
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, University Of Evansville Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (1500-1514) and (1600-1614) John and South Englewood Evansville, IN, 47714., which real estate is more particularly described as follows, to wit:

Empty property owned by University of Evansville adjacent to university property to the east. To the north is the expressway. Residential properties are to the south and the west many of which are also owned by University Of Evansville.

WHEREAS, as the real estate is currently classified as a(n) R-2 and R-4 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-2; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

A solar Photo Voltaic array and an orchard will be built.

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial 4-1-14

proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 9th day of FEBRUARY, 2015 by JEFFERY M. WOLF for the purpose set forth herein.

Jeffery M. Wolf
Signature

STATE OF INDIANA)
) SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jeffery M. Wolf who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 9th day of Feb, 2015.

NOTARY PUBLIC

Michele M. Adams



A resident of Warrick County, Indiana.
My commission expires:

This instrument prepared by: (Name) Vinod Penmetsa
(Address) 931 Wickham Ct. Carmel, IN
(Phone) 765-409-8309

4-1-14

2015-7 - PC ORDINANCE NO. R- 2015-5
COUNCIL DISTRICT: WARD 2 - MOSBY

PETITIONER University of Evansville PHONE 812-488-2183

ADDRESS 1800 Lincoln Avenue, Evansville, IN ZIP CODE 47714

OWNER OF RECORD University of Evansville PHONE 812-488-2183

ADDRESS 1800 Lincoln Avenue, Evansville, IN ZIP CODE 47714

1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.

2. Premises affected are on the North side of John Street a distance of 170 feet Northeast (N.S.E.W.) of the corner formed by the intersection of John Street and South Englewood Avenue.

Registered Neighborhood Association (if applicable)

LEGAL DESCRIPTION:

SUBDIVISION _____ BLOCK _____ LOT NO _____

(where applicable - if not in a subdivision, insert legal here or attach to ordinance) Refer attachment 1 for all the Legal Descriptions of the lots

3. The commonly known address is (1500-1514) and (1600-1614) John Street Evansville IN, 47714

4. The real estate is located in the Zone District designated as R-2 and R-4

5. The requested change is to (Zone District) C-2

6. Present existing land use is Empty land

7. The proposed land use is Solar PV array and an Orchard would be built

8. Utilities provided: (check all that apply)

City Water _____ Electric _____ Gas _____ Storm Sewer _____

Sewer: Private _____ Public _____ Septic _____

9. All attachments are adopted by reference.

10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 2/9/15 PETITIONER University Of Evansville

(when signed) PRINTED NAME Jeff Wolf

DATE 2/9/15 OWNER OF RECORD University Of Evansville

(when signed)

PRINTED NAME Jeff Wolf

REPRESENTATIVE FOR PETITIONER

(Optional)

NAME Telamon Corporation - Bruce Breedon

ADDRESS/ZIP 1000 E 116th st, Carmel, In 46032

PHONE (317) 418 -3545

FILED

FEB 09 2015

Anna Winkler
CITY CLERK

Attachment 1

Legal Description of the lots:

- (1) 82-06-28-011-079.001-027
- (2) 82-06-28-011-079.002-027
- (3) 82-06-28-011-079.003-027
- (4) 82-06-28-011-079.004-027
- (5) 82-06-28-013-029.009-027
- (6) 82-06-28-013-029.010-027
- (7) 82-06-28-013-029.011-027
- (8) 82-06-28-013-029.012-027
- (9) 82-06-28-013-029.013-027
- (10) 82-06-28-013-029.014-027
- (11) 82-06-28-013-029.015-027
- (12) 82-06-28-013-029.016-027
- (13) 82-06-28-017-069.001-027
- (14) 82-06-28-017-069.002-027
- (15) 82-06-28-017-069.003-027

General Information

Project: University of Evansville
Address: John and South Englewood
City: Evansville
State: IN
Zip: 47714

System

Project Size dc: 230 kW
Project Size ac: 200 kW
Panel Type: Canadian Solar CSX6-300M
Panel Qty: 733
Inverter: Advanced Energy Solaron – 250kW
Inverter Qty: 1
Mounting System: AET Rayport B
Module Tilt: 40°
System Azimuth: 0°

Revisions

0 – 01/30/15 – Preliminary Design



